

	Information Notice 2016-006 DEPARTMENT OF MARINE SERVICES AND MERCHANT SHIPPING (ADOMS) REGULATORY AMENDMENTS ENTERING INTO FORCE DURING JANUARY 2017
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Information regarding the most significant regulatory amendments which will enter into force during January 2017:

1. Amendments to MARPOL Annex I Regulation 12

Applies to every ship of 400 GT and above. It is to be noted though that regulation 12.3.5 need only be applied as far as is reasonable and practicable for ships delivered on or before 31st December 1979, as defined in regulation 1.28.1.

Ships constructed before 1st January 2017 shall be arranged to comply with regulation 12.3.3 not later than the first renewal survey carried out on or after 1st January 2017.

The following are relevant to this amendment:

- MEPC.187(59); Amendment to MARPOL Annex I - Regulation 1 and 12 were revised to introduce clarity of the requirement, entry into force 1st January 2011.
- MEPC.1/Circ.753; The amendment introduced by resolution MEPC.187(59) raised a question on the application to existing ships. Interpretation was developed.
- IACS UI - MPC99 (December 2011); Addressing common piping arrangements.
- MEPC.1/Circ.753/Rev.1; This is a reflection of IACS UI MPC99.

The amendment addresses all the issues previously addressed by the above interpretations. It further addresses clarification on other means of disposal such as via approved methods (incinerator, auxiliary boiler suitable for burning oil residue etc.). The amendment also addresses common piping arrangements (further clarification of UI MPC99). Owing to the resolution MEPC.187(59), some ships were considering retroactive re-arrangement of bilge pipelines which is now clarified as unnecessary.

2. New mandatory International Code for Ships Operating in Polar Waters (Polar Code)

The new requirements will be applicable to all ships which have SOLAS certificates, including HSC, or MARPOL certification and which operate in polar waters. Ships constructed on or after 1st January 2017 will have to comply with the full Polar Code requirements from build. Ships constructed before 1st January 2017 will have to comply with the relevant requirements of the Polar Code by the first intermediate or renewal survey after 1st January 2018.

The new chapter XIV of SOLAS makes compliance with the related Polar Code mandatory. There are related amendments to MARPOL Annexes I, II, IV and V. See also Resolution A.1024(26) - Guidelines for ships operating in polar waters.

The Polar Code covers all aspects of ship safety with additional requirements to those contained in SOLAS. Ships to which this new chapter applies will have to meet the SOLAS as well as the Polar Code requirements.

The Polar Code Part I includes requirements for the following areas:

- Polar water operational manual
- Ship structure
- Subdivision and stability
- Watertight and weathertight integrity
- Machinery
- Fire safety and protection
- Lifesaving appliances and arrangements
- Navigation
- Communication
- Voyage planning
- Manning and training

The Polar Code is goal based to allow the use of innovation to meet the requirements. The mandatory regulations are contained in section A with supporting non-mandatory guidance contained in section B.

Ice class notation may not be required depending on the intended area of operation, but operational limitations will be imposed to mitigate operation in waters where ice is likely to be present.

All ships (new and existing) which intend to operate in the polar areas (as defined) will have to be assessed for compliance with the Polar Code and a polar certificate issued. Depending on the dates and areas of operation additional equipment suitable for use in low temperatures will be required. Ships intending to operate in waters with ice cover will be expected to have some ice strengthening. Those undertaking regular trips to the Polar Regions should start making an assessment as soon as possible and should ensure that all equipment is suitable for low temperature use. It will be possible for ships which only undertake a single one-off voyage in summer in ice-free waters to be issued with a polar certificate without survey, but an assessment will still have to be undertaken.

3. International Code of Safety for Ships using Gases or other Low-flashpoint Fuels (IGF Code)

This applies to all ships using low-flashpoint fuels except those regulated by the IGC Code. The IGF Code applies to new ships and existing ships converted from the use of conventional oil fuel to the use of gases or other low-flashpoint fuels on or after 1st January 2017. The IGF Code does not apply to cargo ships of less than 500 GT, but the provisions of the IGF Code could be applied to such ships on a voluntary basis.

The IGF Code will be mandatory from 1st January 2017 and has resulted in amendments to the SOLAS as follows:

- Regulation 11-1/56 Convention on application (intended to apply to ships including those constructed prior to the entry into force date);
- Regulation 11-2/4; and
- Form of certificate - there will not be a separate IGF certificate.

The IGF Code provides mandatory provisions for the arrangement, installation, control and monitoring of machinery, equipment and systems using low flashpoint fuels, such as liquefied natural gas (LNG). The Code addresses all areas that need special consideration for the usage of low flashpoint fuels, based on a goal-based approach, with goals and functional requirements specified for each section forming the basis for the design, construction and operation of ships using this type of fuel.

There are a number of safety related aspects that affect design and construction of such ships including the concept of emergency shutdown arrangements, secondary containment, and the location of low flashpoint fuel storage tanks.

4. STCW Manila amendments transitional provisions end

From 1st January 2017, STCW certificates must be issued, renewed and revalidated in accordance with the provisions of the 2010 Manila amendments. MSC.1/Circ.1560 has been issued providing advice to port State control authorities and recognized organizations for a practical and pragmatic approach for a period of six months (i.e. until 1st July 2017) to be taken during inspections in cases where seafarers were unable to provide certificates that were issued in compliance with the 2010 Manila amendments.

With respect to Able Seafarers Deck and Able Seafarers Engine, serving on board prior to 1st January 2017, who are duly certified in accordance with STCW Reg. II/4 and/or STCW Reg. III/4 who have not yet been issued a certificate in accordance with STCW Reg. II/5 and/or STCW Reg. III/5, these seafarers may stay on board Antigua and Barbuda flagged vessels until the end of their current employment agreement, provided that they are in a position to produce documentary evidence that they:

- i. Have, prior to 1st January 2017, served in the capacity of AB, trained and certified in accordance with ILO No. 74 (Certification of Able Seamen Convention) and;
- ii. Are qualified (in accordance with the provisions of their national certificate issuing authorities) to be issued a STCW Reg. II/5 or Reg. III/5 certificate.

5. Amendments to the STCW Convention, 1978 (Part A) and the STCW Code (Part B) related to the International Code of Safety for Ships using Gases or other Low-flashpoint Fuels (IGF Code)

Applies to all ships using gas or other low flash point fuels, except for those regulated by the IGC Code.

With respect to; Masters, Officers, Ratings and other personnel on ships that are subject to the IGF Code, a certificate of basic training shall be required for seafarers responsible for designated safety duties associated with the care, use or in emergency response to the fuel on board such ships.

However, seafarers who have been qualified and certified according to regulation V/1-2, paragraphs 2 and 5, or regulation V/1-2, paragraphs 4 and 5 on liquefied gas tankers, are to be considered as having met the requirements specified in section A-V/3, paragraph 1 for basic training for service these ships.

Masters, Engineer Officers and all personnel with immediate responsibility for the care and use of fuels and fuel systems on ships subject to the IGF Code shall hold a certificate in advanced

training for service on these ships. Liquefied gas tanker experience again may be sufficient provided it meets the provisions of the convention.

The following two instruments are related to this subject:

- STCW.6/Circ.11 on Amendments to Part B of the Seafarers' Training, Certification and Watch-keeping (STCW) Code
- STCW.7/Circ.23 (and STCW.7/Circ.23/Add.1) on Interim Guidance on training for seafarers on ships using gases or other low-flashpoint fuels

6. Amendments to SOLAS Regulation 11-2/20 on ventilation systems in vehicle, special category and ro-ro spaces

SOLAS regulation 11-2/20 is applicable for all passenger and cargo ships as detailed in the regulation (new and existing) regardless of whether an air quality management system has been installed.

These amendments introduce the option for vessels to be fitted with an automated system to control air quality in ro-ro cargo holds by analyzing the hold atmosphere and varying the ventilation rate accordingly. The air quality control system should comply with the revised design guidelines and operational recommendations for ventilation systems in ro-ro cargo spaces contained in MSC.1/Circ.1515. This supersedes MSC/Circ.729.

7. Amendments to SOLAS Regulations 11-2/4.5 and 11-2/11.6 — secondary means of venting cargo tanks

Applies to new tankers constructed on or after 1st January 2017.

The amendments have been made to protect tanks in the event of a mechanical failure or inadvertent closure of the isolating valves or devices on the inert gas main/vent branch pipework. The changes mean that these ships must have an independent, secondary means of venting for each tank. That is, a full flow pressure/vacuum (PN) valve or a pressure sensor that provides an alarm on detecting over-pressure or under-pressure. It should be noted that a pressure sensor is only acceptable as a secondary means if a full flow PN valve is fitted as the primary means of venting for each cargo tank, as per the arrangement in SOLAS Regulation II-2/11.6.1.2.

8. Amendments 03-15 to the International Maritime Solid Bulk Cargoes (IMSBC) Code

The amendments applying from 1st January 2017 include a new schedule for Iron Ore fines (Group A - cargo that may liquefy) and a new test procedure for determining the Transportable Moisture Limit (TML) of Iron Ore fines.

A recommendatory, new Section 14 - Prevention of pollution by cargo residues from ships - is included in the 03-15 amendments. This section addresses the classification of solid bulk cargoes as harmful to the marine environment (HME) and the prohibition of their discharge at sea. A recommendatory new paragraph in Section 4 asks shippers to classify and declare

whether a solid bulk cargo is an HME or non-HME. The criteria for the classification are found in the 2012 guidelines for the implementation of MARPOL Annex V (resolution MEPC.219(63)).

9. Guidance on the validity of radio-communications equipment installed and used on ships

With respect to radio-communications, equipment capable of operating narrow-band direct printing (NBDP); MSC.1/Circ.1460 stated that HF radio-communication equipment capable of operating NBDP should be updated so that following the first radio survey after 1st January 2017 it meets the channeling arrangements reflected in sections II and III of part B in appendix 17 of the Radio Regulations. However, this requirement has now been put back to the first radio survey after 1st January 2024, with the likelihood that NBDP will be removed as a carriage requirement by that date.

Similarly radio-communication equipment, other than HF radio-communication equipment capable of operating NBDP, does not necessarily need to be updated.

ADOMS does of course recommend that ships carry the most up-to-date radio-communications equipment as appropriate to their operating area.

10. 2014 Amendments to the Maritime Labour Convention, 2006

These amendments, which enter into force on 18th January 2017, apply to all ships, whether publicly or privately owned, ordinarily engaged in commercial activities, except warships and naval auxiliaries.

Amendments to the MLC 2006 relate to provision of financial security in respect of:

- Regulation 2.5 - Repatriation of seafarers following abandonment by the shipowner; and
- Regulation 4.2 - Shipowners' liability and provision of a system of financial security to assure compensation for contractual claims following the death or disability of a seafarer.

ADOMS Circulars 2016-001 and 2016-002 give further guidance on these amendments.

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